

May 26, 1987

LB 775
LR 233

CLERK: There is a quorum present, Mr. President.

SPEAKER BARRETT: Thank you, sir. Anything for the record?

CLERK: Mr. President, new resolutions. (Read introduction of LR 233 as found on pages 2526-27 of the Legislative Journal.)

And I have a confirmation hearing report from the Natural Resources Committee to be inserted in the Journal, Mr. President. And I believe that is all that I have.

SPEAKER BARRETT: Thank you. Would you bring us up to date on the situation with regard to the motion to return 775, Mr. Clerk.

CLERK: Mr. President, I believe that the Legislature recessed at the time that Senator Chambers had offered a motion to return the bill for a specific amendment. The amendment reads as follows. (Read Chambers amendment as found on page 2513 of the Legislative Journal.) And I believe, Mr. President, Senator Chambers had opened on that motion. That is all...that's where we are at, I believe.

PRESIDENT: Thank you. Discussion on the motion to return. Senator Chambers had opened. Senator Nelson, your light is on. Senator Nelson. Senator Vard Johnson, would you care to speak to the motion to return? Senator Higgins and Abboud to follow.

SENATOR V. JOHNSON: Mr Speaker, members of the Legislature, my presentation is fairly quick. Senator Chambers says that the jobs that are counted in LB 775 should be jobs that go to people who have been residents of our state for at least three years. Senator Chambers and I have had a discussion about the residency requirement that he, in the past, has sought to place in this bill and that others on the floor have sought to place in this bill, and I've just always said that it's my opinion that residency requirements of this nature in these kinds of tax incentive bills are not constitutional. And I was reminded of the New York Supreme Court case Shapiro v. Thompson which was decided in 1967 by the United States Supreme Court which held that residency requirements for welfare recipients were not constitutional as imposing an undue restriction on the right of travel. Now, when a state decides to impose residency requirements on individuals for purposes of obtaining work and, in effect, tailors tax incentives to that, I suspect it moves into an unconstitutional thicket. So, I think that Senator